

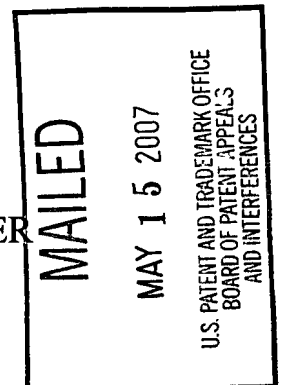
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LOU LEONARDO, GURINDER SINGH GREWAL,
ROB RATTERMAN, JOSH KNEPFLE, RANDY CHING, and TOLA DALTON

Application 09/583,216
Technology Center 3600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on April 4, 2007. A review has determined that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appeal Brief

Appellants filed an Appeal Brief which was received by the USPTO on July 14, 2005. The content furnished under the heading “**5. SUMMARY OF CLAIMED SUBJECT MATTER**” is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because there is no description of the subject matter defined in each of the independent and dependent claim(s), argued separately, involved in the appeal.

MPEP § 1205.03(B) states:

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When the Office holds the [B]rief to be defective solely due to [A]ppellant[s'] failure to provide a summary of the claimed subject matter as required by 37 CFR [§] 41.37(c)(1)(v), an entire new [B]rief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR [§] 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

Examiner's Answer

The Examiner issued an Examiner's Answer on March 3, 2006. The headings and content are not commensurate in scope with *the Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(1)-(11) (8th Ed., Aug. 2006). The Examiner is to furnish a Supplemental Examiner's Answer in accordance with such.

In accordance with the above, correction is hereby required.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:


- 1) to hold the Appeal Brief filed on July 14, 2005, defective;
- 2) to notify Appellants to file a paper providing a Summary of Claimed Subject Matter as required by 37 C.F.R. § 41.37(c)(1)(v);
- 3) to consider the paper providing a Summary of Claimed Subject Matter as required by 37 C.F.R. § 41.37(c)(1)(v);

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4) to provide a Supplemental Examiner's Answer in accordance with
(MPEP) § 1207.02(A)(1)-(11); and

5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN/hh